

SENATE BILL 208

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E4
HB 225/00 - CGM

2001 Regular Session
11r0228
CF 11r0320

By: **The President (Administration) and Senators Blount, Conway, Currie, Exum, Forehand, Frosh, Green, Hoffman, Hollinger, Hughes, Kelley, Lawlah, McFadden, Mitchell, Pinsky, Ruben, Teitelbaum, and Van Hollen**

Introduced and read first time: January 22, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers - Vehicle Laws - Race-Based Traffic Stops**

3 FOR the purpose of requiring certain law enforcement officers to record certain
4 information pertaining to traffic stops; requiring certain law enforcement
5 agencies to report certain information to the Maryland Justice Analysis Center
6 (MJAC); requiring the Police Training Commission to develop a certain form and
7 guidelines and a standardized format for the reporting of certain data; requiring
8 the Police Training Commission to develop a certain model policy; requiring the
9 MJAC to analyze certain data based on a methodology developed in conjunction
10 with the Police Training Commission; requiring the MJAC to make certain
11 reports to the General Assembly, the Governor, and law enforcement agencies;
12 requiring law enforcement agencies to adopt certain policies regarding
13 race-based traffic stops for certain purposes; providing for the phasing in of
14 certain requirements; requiring the MJAC to report to the Police Training
15 Commission law enforcement agencies that fail to comply with certain reporting
16 requirements; requiring specified actions following a report on the failure of a
17 law enforcement agency to comply; providing certain exceptions applicable to
18 law enforcement agencies that have entered into certain agreements; defining
19 certain terms; providing for the termination of this Act; and generally relating to
20 law enforcement procedures and traffic stops.

21 BY adding to
22 Article - Transportation
23 Section 25-113
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2000 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Transportation

2 25-113.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY THAT IS LISTED
6 IN ARTICLE 27, § 727(B) OF THE CODE AND THAT, IN ACCORDANCE WITH SUBSECTION
7 (C) OF THIS SECTION, IS SUBJECT TO THE PROVISIONS OF THIS SECTION.

8 (3) "LAW ENFORCEMENT OFFICER" MEANS ANY PERSON WHO, IN AN
9 OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS AN
10 EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS SECTION.

11 (4) "MARYLAND JUSTICE ANALYSIS CENTER" MEANS THE CENTER
12 OPERATED BY THE DEPARTMENT OF CRIMINOLOGY AND CRIMINAL JUSTICE AT THE
13 UNIVERSITY OF MARYLAND, COLLEGE PARK.

14 (5) "POLICE TRAINING COMMISSION" MEANS THE UNIT WITHIN THE
15 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED
16 UNDER ARTICLE 41, § 4-201 OF THE CODE.

17 (6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
18 "TRAFFIC STOP" MEANS ANY INSTANCE WHEN A LAW ENFORCEMENT OFFICER STOPS
19 THE DRIVER OF A MOTOR VEHICLE AND DETAINS THE DRIVER FOR ANY PERIOD OF
20 TIME FOR A VIOLATION OF THE MARYLAND VEHICLE LAW.

21 (II) "TRAFFIC STOP" DOES NOT INCLUDE:

22 1. A CHECKPOINT OR ROADBLOCK STOP;

23 2. A STOP OF MULTIPLE VEHICLES DUE TO A TRAFFIC
24 ACCIDENT OR EMERGENCY SITUATION REQUIRING THE STOPPING OF VEHICLES FOR
25 PUBLIC SAFETY PURPOSES; OR

26 3. A STOP BASED ON THE USE OF RADAR, LASER, OR VASCAR
27 TECHNOLOGY.

28 (B) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE
29 MARYLAND JUSTICE ANALYSIS CENTER, SHALL DEVELOP:

30 (1) A UNIFORM FORM DESIGNED TO ALLOW THE RECORDING OF DATA
31 REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IN AN EFFICIENT MANNER
32 THAT EACH LAW ENFORCEMENT AGENCY SHALL REQUIRE ITS OFFICERS TO USE FOR
33 DATA COLLECTION PURPOSES;

34 (2) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY USE AS
35 A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED BY ITS OFFICERS FOR USE IN
36 COUNSELING AND IMPROVED TRAINING;

1 (3) A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY
2 SHALL USE IN REPORTING DATA TO THE MARYLAND JUSTICE ANALYSIS CENTER
3 UNDER SUBSECTION (E) OF THIS SECTION; AND

4 (4) ON OR BEFORE JULY 1, 2002, A MODEL POLICY AGAINST RACE-BASED
5 TRAFFIC STOPS THAT A LAW ENFORCEMENT AGENCY COVERED UNDER SUBSECTION
6 (C)(1) OF THIS SECTION CAN USE IN DEVELOPING ITS POLICY IN ACCORDANCE WITH
7 SUBSECTION (G) OF THIS SECTION.

8 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION
9 APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT:

10 (I) ON JANUARY 1, 2002, HAS 100 OR MORE LAW ENFORCEMENT
11 OFFICERS;

12 (II) ON JANUARY 1, 2003, HAS 50 OR MORE LAW ENFORCEMENT
13 OFFICERS; AND

14 (III) ON JANUARY 1, 2004, HAS 1 OR MORE LAW ENFORCEMENT
15 OFFICERS.

16 (2) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, THIS
17 SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY THAT, ON OR BEFORE
18 JULY 1, 2001, HAS ENTERED INTO AN AGREEMENT WITH THE UNITED STATES
19 DEPARTMENT OF JUSTICE THAT REQUIRES IT TO COLLECT DATA ON THE RACE OR
20 ETHNICITY OF THE DRIVERS OF MOTOR VEHICLES STOPPED.

21 (D) EACH TIME A LAW ENFORCEMENT OFFICER MAKES A TRAFFIC STOP, THAT
22 OFFICER SHALL REPORT THE FOLLOWING INFORMATION TO THE LAW
23 ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER USING THE FORM
24 DEVELOPED UNDER SUBSECTION (B)(1) OF THIS SECTION:

25 (1) THE DATE, LOCATION, AND THE TIME OF THE STOP;

26 (2) THE APPROXIMATE DURATION OF THE STOP;

27 (3) THE TRAFFIC VIOLATION OR VIOLATIONS ALLEGED TO HAVE BEEN
28 COMMITTED THAT LED TO THE STOP;

29 (4) WHETHER A SEARCH WAS CONDUCTED AS A RESULT OF THE STOP;

30 (5) IF A SEARCH WAS CONDUCTED, THE REASON FOR THE SEARCH,
31 WHETHER THE SEARCH WAS CONSENSUAL OR NONCONSENSUAL, WHETHER THE
32 PERSON WAS SEARCHED, AND WHETHER THE PERSON'S PROPERTY WAS SEARCHED;

33 (6) WHETHER ANY CONTRABAND OR OTHER PROPERTY WAS SEIZED IN
34 THE COURSE OF THE SEARCH;

35 (7) WHETHER A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR
36 CITATION WAS ISSUED AS A RESULT OF THE STOP;

1 (8) IF A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION
2 WAS ISSUED, THE BASIS FOR ISSUING THE WARNING, SAFETY EQUIPMENT REPAIR
3 ORDER, OR CITATION;

4 (9) WHETHER AN ARREST WAS MADE AS A RESULT OF EITHER THE STOP
5 OR THE SEARCH;

6 (10) IF AN ARREST WAS MADE, THE CRIME CHARGED;

7 (11) THE STATE IN WHICH THE STOPPED VEHICLE IS REGISTERED;

8 (12) THE GENDER OF THE DRIVER;

9 (13) THE DATE OF BIRTH OF THE DRIVER;

10 (14) THE STATE AND, IF AVAILABLE ON THE DRIVER'S LICENSE, THE
11 COUNTY OF RESIDENCE OF THE DRIVER; AND

12 (15) THE RACE OR ETHNICITY OF THE DRIVER AS:

13 (I) ASIAN;

14 (II) BLACK;

15 (III) HISPANIC;

16 (IV) WHITE; OR

17 (V) OTHER.

18 (E) (1) A LAW ENFORCEMENT AGENCY SHALL:

19 (I) COMPILE THE DATA DESCRIBED IN SUBSECTION (D) OF THIS
20 SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER
21 SUBSECTION (B)(3) OF THIS SECTION; AND

22 (II) SUBMIT THE REPORT TO THE MARYLAND JUSTICE ANALYSIS
23 CENTER NO LATER THAN MARCH 1 OF THE FOLLOWING CALENDAR YEAR.

24 (2) A LAW ENFORCEMENT AGENCY THAT IS EXEMPT UNDER
25 SUBSECTION (C)(2) OF THIS SECTION SHALL SUBMIT TO THE MARYLAND JUSTICE
26 ANALYSIS CENTER COPIES OF REPORTS IT SUBMITS TO THE UNITED STATES
27 DEPARTMENT OF JUSTICE IN LIEU OF THE REPORT REQUIRED UNDER PARAGRAPH
28 (1) OF THIS SUBSECTION.

29 (F) (1) THE MARYLAND JUSTICE ANALYSIS CENTER SHALL ANALYZE THE
30 ANNUAL REPORTS OF LAW ENFORCEMENT AGENCIES SUBMITTED UNDER
31 SUBSECTION (E) OF THIS SECTION BASED ON A METHODOLOGY DEVELOPED IN
32 CONSULTATION WITH THE POLICE TRAINING COMMISSION.

1 (2) THE MARYLAND JUSTICE ANALYSIS CENTER SHALL SUBMIT A
2 REPORT OF THE FINDINGS TO THE GOVERNOR, THE GENERAL ASSEMBLY AS
3 PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW
4 ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.

5 (G) (1) A LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY AGAINST
6 RACE-BASED TRAFFIC STOPS THAT IS TO BE USED AS A MANAGEMENT TOOL TO
7 PROMOTE NONDISCRIMINATORY LAW ENFORCEMENT AND IN THE TRAINING AND
8 COUNSELING OF ITS OFFICERS.

9 (2) THE POLICY SHALL PROHIBIT THE PRACTICE OF USING AN
10 INDIVIDUAL'S RACE OR ETHNICITY AS THE SOLE JUSTIFICATION TO INITIATE A
11 TRAFFIC STOP. HOWEVER, THE POLICY SHALL MAKE CLEAR THAT IT MAY NOT BE
12 CONSTRUED TO ALTER THE AUTHORITY OF A LAW ENFORCEMENT OFFICER TO MAKE
13 AN ARREST, CONDUCT A SEARCH OR SEIZURE, OR OTHERWISE FULFILL THE
14 OFFICER'S LAW ENFORCEMENT OBLIGATIONS.

15 (3) THE POLICY SHALL PROVIDE FOR THE LAW ENFORCEMENT AGENCY
16 TO PERIODICALLY REVIEW DATA COLLECTED BY ITS OFFICERS UNDER SUBSECTION
17 (D) OF THIS SECTION AND TO REVIEW THE ANNUAL REPORT OF THE MARYLAND
18 JUSTICE ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION.

19 (H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
20 REPORTING PROVISIONS OF THIS SECTION, THE MARYLAND JUSTICE ANALYSIS
21 CENTER SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING
22 COMMISSION.

23 (2) THE POLICE TRAINING COMMISSION SHALL CONTACT THE LAW
24 ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE
25 REQUIRED REPORTING PROVISIONS.

26 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
27 REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING CONTACTED BY
28 THE POLICE TRAINING COMMISSION, THE MARYLAND JUSTICE ANALYSIS CENTER
29 AND THE POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE
30 NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF
31 THE GENERAL ASSEMBLY.

32 SECTION 2. AND BE IT FURTHER ENACTED, That, beginning January 1,
33 2002, data shall be collected under Section 1 of this Act through December 31, 2006,
34 and the Maryland Justice Analysis Center shall issue a final report on or before
35 August 31, 2007.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 July 1, 2001. It shall remain effective for a period of 6 years and 2 months and, at the
38 end of August 31, 2007, with no further action required by the General Assembly, this
39 Act shall be abrogated and of no further force and effect.